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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,444	11/25/2003	Junichi Takahashi	R2184.0077/P077-A	4544
24998	7590	04/28/2005		EXAMINER
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			KIM, PAUL D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/720,444	TAKAHASHI ET AL.	
	Examiner	Art Unit	
	Paul D Kim	3729	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 12-205 is/are pending in the application.
- 4a) Of the above claim(s) 12-131 and 150-205 is/are withdrawn from consideration.
- 5) Claim(s) 132-149 is/are allowed.
- 6) Claim(s) _____ is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/585,428.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/25/03, 10/18/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is a response to the election of species filed on 2/14/2005.

Response to the Election of Species

1. Applicant's election of Species N, claims 18-37,38-111,112-131 and 132-205, in the reply filed on 2/14/2005 is acknowledged. Examiner disagrees with the applicant's election of the claims. Actually, according to the response to the restriction requirement filed on 8/4/2004, applicant elected Group I for claims 12-17, 38-111 and 132-205 and the claims 18-37 and 112-131 have been withdrawn. Since applicant elects the Species N filed on 2/14/2005, the claims readable on the elected species N are 132-149 for a method of manufacturing a probe array drawn to Figs. 28A-33.
2. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Claims 12-17, 38-111 and 150-205 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/14/2005.
4. This application is in condition for allowance except for the following formal matters:

IN THE SPECIFICATION

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: --A METHOD OF MANUFACTURING A PROBE ARRAY--.

IN THE CLAIM

Re. Claim 143: The phrase "a bank(s)" is confused whether the bank is a singular or plural. Clarification is required.

Cancelled the non-elect claims 12-131 and 150-209.

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to disclose the claim invention such as bonding a first substrate having a property of transmitting light with a second substrate having an intermediate layer layered on a high-refractive-index layer and a supporting layer layered on the intermediate layer and etching the high-refractive-index layer using the patterned intermediate layer so as to form a plurality of cone-like or pyramid-like projecting portions on the first substrate follow by removing the patterned intermediate layer so that the probe array having the plurality of cone-like or pyramid-like projecting portions made from the high-refractive-index layer on the first substrate be obtained. It is not obvious taken alone or in combination of other references fairly to suggest the claimed invention.

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6. Claims 132-149 are allowed.

7. Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul D Kim whose telephone number is 571-272-4565.

The examiner can normally be reached on Monday-Friday between 8:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Paul D Kim
Examiner
Art Unit 3729


A. DEXTER TUGBANG
PRIMARY EXAMINER


5/20/05